

AO 91 (Rev. 11/11) Criminal Complaint

111

## UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Aaron Waldrup  
536 Olentangy St.  
Columbus, OH 43202

Case No. 2:13-MJ-365

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 24, 2012 in the county of Franklin in theSouthern District of Ohio, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 United States Code (USC) 2422 (b),	Attempted Enticement of a Minor For Unlawful Sexual Activity

This criminal complaint is based on these facts:

See attached affidavit incorporated by reference herein

Continued on the attached sheet.

*TFO* *71032 HSZ*  
*Complainant's signature*

*TFO Marcus Penwell HSI*  
*Printed name and title*

Sworn to before me and signed in my presence.

*7/9/13*Date: 07/08/2013City and state: Columbus, Ohio*Norah M. King, U.S. Magistrate Judge**Printed name and title*

*L*  
*Judge's signature*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT, EASTERN DIVISION OF OHIO

In the Matter of the Criminal Complaint:

United States of America

v.

Aaron S. Waldrup  
536 Olentangy St.  
Columbus, OH 43202

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Task Force Officer (TFO) Marcus Penwell, being first duly sworn, hereby depose and state as follows:

1. I, ICE/HSI TFO Marcus Penwell (your affiant), a Detective with the Franklin County, Ohio Sheriff's Office, make this affidavit in support of a criminal complaint for violation of Title 18 United States Code (USC) 2422 (b), Attempted Enticement of a Minor For Unlawful Sexual Activity. Since this affidavit is being submitted for the limited purpose of securing a complaint and arrest warrant, your affiant did not include each and every fact known concerning this investigation. Your affiant did not withhold any information or evidence that would negate probable cause. Your affiant set forth only the facts that are believed to be necessary to establish probable cause that Aaron S. Waldrup committed the violation listed above.
2. Your affiant has been employed by the Franklin County Sheriff's Office since September of 2003. Since July of 2008, your affiant has been assigned to the Special Investigations Unit as a detective, conducting online child enticement and child pornography investigations as part of an Internet Crime Against Children (ICAC) Task Force. Your affiant gained experience through a Bachelor of Arts Degree in Criminal Justice, and has received specialized training in the area of internet crimes involving child exploitation and child pornography. Your affiant has been involved in over two hundred investigations involving internet crimes against children, resulting in numerous felony arrests and convictions. Your affiant was trained and certified by ICE/HSI as a federal task force officer to conduct child exploitation investigations involving federal criminal statutes, such as 18 USC § 2422.
3. On August 23, 2012, Detective Marcus Penwell of the Franklin County ICAC Task Force was conducting online child enticement investigations using an undercover online persona (herein referred to as "the persona") on the website motherless.com when he was contacted by a person using the screen name "jackferral" who was later identified as Aaron S. Waldrup. Waldrup and the persona began engaging in a chat exchange in which the persona told Waldrup that he was an "active," foster dad of a 9 year old boy and 12 year old girl. Upon learning this information Waldrup stated that "family time sounds hot, man" and asked the persona if he was "looking to

add or share?" When the persona indicated that Waldrup joining in the sexual activity with the persona and the persona's children could be possible, Waldrup stated, "I love new playmates on any variety, and I am certainly open. Just wanted to put that out there." Waldrup further indicated that he was "far more interested in females than males." Waldrup and the persona exchange photos of each other along, and the persona sent Waldrup picture of an individual that the persona indicated was his 12 year old daughter. Waldrup responded to the photo of the supposed daughter saying, "damn. got my mind on that cute girl." The photo exchange takes place over email with Aaron using the email address [southcitysmith@gmail.com](mailto:southcitysmith@gmail.com). Waldrup then suggested that he and the persona meet "to get a drink or smoke a joint or something." When the persona asked Waldrup for details of what he wanted to do, Waldrup stated that "I'd rather not pin it down, just see what happens," and further stated that he was into "girls not boys." Waldrup went on to state that he did not trust the security of the website they are on and therefore did not want to discuss details of a possible meet on line, simply stating that he was not looking to "push anyone's boundaries, or hurt anyone." Shortly thereafter the chat exchange was terminated and the conversation was continued via text message.

4. Waldrup begins texting Persona using the telephone number 501-270-2502. One of the first text messages Waldrup sent to the persona stated "i'm down for what you and she are into. Slow and gentle are what I'm gathering." Later in the text conversation Waldrup stated, "I am good to watch touch or lick," and asked if the supposed 12-year-old daughter liked to "play." Waldrup further indicated that, "licking and fingering sounds good." When discussing rules for a potential sexual encounter with the supposed daughter, Waldrup told the persona that he would be fine with masturbating himself to completion, stating that he could "finish in my hand or whatever. a mouth would be good but we'll wait on that." During the course of the conversation, Waldrup also asked the persona whether it would be possible for the persona to engage in sexual activity with the supposed son while Waldrup engaged in sexual activity with the supposed daughter in the same room." When further discussing rules and boundaries for Waldrup's sexual activity with the girl Waldrup agreed that there would be "no penetration unless we work out something ongoing." Waldrup also asked the persona if he has any "bikini or panty shots of the girl."

5. Waldrup wanted to meet that day (August 23, 2012) at around 12:00 p.m. but was called away for a job interview. The persona then suggested that they meet on August 24, 2012, at approximately 1:00 p.m. Waldrup agreed to this proposed meeting time and the text message exchange was briefly terminated. Later in the day, Detective Penwell logged back onto the website and again engaged in a chat exchange with Waldrup. Waldrup told the persona that he was nervous, and asked the persona, "how do I know you're not a cop, and for that matter how do you know I'm not a cop?" The persona then informed Waldrup that is was fine if he wanted to cancel. Waldrup then stated that he "definitely want to play and thinking about it gets me rock hard." Waldrup and the persona discuss consuming marijuana and the persona informed Waldrup that he is nervous that what Waldrup wants with the supposed daughter will change when they meet. Waldrup then states, "licking, fingers, and jerking...you in the room with him if you like." The persona then asked Waldrup if he means that he wants to "jerk," himself or he wants the girl to do it and Waldrup states, "I'd love her too if she wants, I just love the taste of pussy." Waldrup then asked the persona if kissing the girl is ok and the persona informed Waldrup that would be fine. Waldrup then stated, "I am trying to picture what her body looks

like." The persona asked Waldrup if he has ever seen any pictures or videos of girls that young and Waldrup said that he had. Waldrup told the persona that he was going to masturbate and think about the meet and that he was "horny and excited for that taste." The chat exchange was then terminated.

6. Later in the day and into August 24, 2012, Waldrup again began texting the persona and telling him that he forwarded the persona some pictures from his email account of a girl. Detective Penwell was unable to open the photos that Waldrup sent him. Waldrup then asked the persona if he will trade some pictures of his daughter to him. Waldrup again said that he was worried about the cops, that he wanted to "smoke first," when they met. He then stated, "I would love to see you or her make the first move." The persona replied that smoking first would be fine and that he just wants to make sure that Waldrup won't want anything more than what they talked about already. Waldrup then stated, "Definitely not more if anything less." Waldrup then stated that he is leaving his house soon and the chat exchange is terminated.

7. On August 24, 2012, at approximately 12:30 p.m., Detective Penwell along with other members of the ICAC Task Force set up surveillance at the meet location. At approximately 1:00 p.m. Detectives observed Waldrup drive onto the lot of the meet location and called for a marked sheriff's cruiser who conducted a traffic stop. Waldrup was taken into custody and subsequently interviewed. During the interview, Waldrup admitted to soliciting the father to engage in sexual activity with the girl as well as possessing child pornography in his email account southcitysmith@gmail.com.

8. Waldrup provided officers with his email address and password and gave consent to look at his email account. Detective Penwell later logged onto the email account that Waldrup had provided and observed an e-mail with an attachment that contained a video of what appeared to be a prepubescent or young teen girl nude. Detective Penwell immediately stopped the video, changed the password on the account and logged off of the account. Detective Penwell then sent a preservation letter to Yahoo Inc. for the contents of the email account. A subsequent search warrant was executed on the e-mail account, which revealed that Waldrup had sent and received one video depicting child pornography and had numerous images of child erotica in his e-mail account.

9. Based upon the above information, your affiant believes there is probable cause to believe Aaron S. Waldrup is responsible for the Attempted Enticement of a Minor For Unlawful Sexual Activity. Therefore, your affiant respectfully requests this court issue a criminal complaint and arrest warrant.

10. Sexual Conduct with a person under the age of 13 constitutes rape under Ohio Law ORC Section 2907.02 (A1)(b). Under Ohio Law an attempt to commit the offense constitutes an offense. (ORC Section 2923.02)

TFO  # 1032  
HSE  
TFO Det. M. PENWELL  
TFO ICE/HSI

Sworn to and subscribed before me this 4<sup>th</sup> day of July, 2013.

*N m (111) 6*  
United States Magistrate Judge  
United States District Court  
Southern District of Ohio